

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

RECEIVED

AUG 25 2009

DOUGLAS E. ARPERT
U.S. MAGISTRATE JUDGE

RECEIVED

AUG 31 2009

AT 8:30
WILLIAM T. WALSH
CLERK

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NOVO NORDISK A/S,

Plaintiff,

v.

SANOFI-AVENTIS U.S. LLC,
SANOFI-AVENTIS, and SANOFI-
AVENTIS DEUTSCHLAND GmbH,

Defendants.
-----X

No. 3:07-cv-03206-MLC-DEA

~~PROPOSED~~
CASE MANAGEMENT ORDER

This matter having come before the Court, pursuant to Fed. R. Civ. P. 16; and the Parties having agreed, and the Court having considered the position of the Parties; and good cause having been shown;

IT IS on this 31st day of August, 2009,

ORDERED THAT:

1. This case will be tried to a jury.
2. Amended pleadings may not be filed and additional parties may not be joined except with leave of the Court. Any motion to amend or to join additional parties shall be filed no later than **August 31, 2009**.
3. Pursuant to the parties' agreement and Fed. R. Civ. P. 26(a)(1), no initial disclosures need be served.
4. All fact discovery shall be completed no later than **January 15, 2010**.

5. Expert report(s) of the party with the burden of proof on an issue shall be due no later than **January 29, 2010**, and expert report(s) of the opposing party's expert(s) shall be due no later than **February 26, 2010**. Depositions of expert witnesses shall be completed by **March 26, 2010**.
6. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Civil Rules of the District of New Jersey. All interim discovery deadlines may be extended by the written consent of all the parties without application to the Court, provided that all discovery is completed by **March 26, 2010**.
7. All motions for summary judgment shall be filed no later than **April 9, 2010**. All oppositions to summary judgment motions shall be filed on the schedule required by the Court's rules, but no later than **April 30, 2010**. All reply papers shall be filed on the schedule required by the Court's rules, but no later than **May 10, 2010**.
8. The Final Pretrial Submission Date is **May 21, 2010**. By the Final Pretrial Submission Date, the parties shall submit a Joint Pretrial Order prepared in accordance with the Pretrial Order Form of Hon. Mary L. Cooper, U.S.D.J., and Fed. R. Civ. P. 26(a)(3). Any motions in limine shall be filed after the close of discovery and before the Final Pretrial Submission Date. Proposed voir dire, any neutral statement of the case to be read to the jury, proposed jury instructions and a proposed verdict form shall also be filed by the Final Pretrial Submission Date. Counsel are required to meet and confer on a joint submission of proposed jury instructions and a proposed verdict form, noting any points of disagreement in the joint submission.

9. Service via electronic-mail shall constitute proper service under Fed. R. Civ. P. 5(b)(2)(E).
10. All documents and other information produced or disclosed in the present action shall be governed by the Discovery Confidentiality Order entered on October 12, 2007.
11. Where reasonably feasible, the parties shall produce any additional documents in electronic format with single-page TIFF or JPEG images, searchable text (e.g., Optical Character Recognition), family range data, and Concordance Opticon load files.
12. For any documents withheld on a claim of privilege and/or work product immunity, the parties will exchange logs providing the information set out in Local Civil Rule 34.1 by an agreed-upon date. The parties will not be required to identify documents withheld on a claim of privilege and/or work product immunity created after commencement of the present action.



Honorable Douglas Arpert, U.S.M.J.

① 13. The Court will conduct a telephone status conference on January 4, 2010 at 11:00 am. Plaintiff's attorneys shall initiate the call.